

House File 2366 - Introduced

HOUSE FILE 2366
BY COMMITTEE ON STATE
GOVERNMENT

(SUCCESSOR TO HSB 622)

A BILL FOR

1 An Act relating to the terms of appointees to vacancies in
2 elective city office.

3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 372.13, subsection 2, paragraph a, Code
2 2014, is amended to read as follows:

3 a. (1) By appointment by the remaining members of the
4 council, except that if the remaining members do not constitute
5 a quorum of the full membership, paragraph "b" shall be
6 followed. The appointment shall be made within sixty days
7 after the vacancy occurs and shall be for the period until the
8 next pending election as defined in section 69.12, and shall
9 be made within forty days after the vacancy occurs regular
10 city election described in section 376.1, unless there is an
11 intervening special election for that city, in which event the
12 election for the office shall be placed on the ballot at such
13 special election.

14 (2) If the council chooses to proceed under this paragraph,
15 it shall publish notice in the manner prescribed by section
16 362.3, stating that the council intends to fill the vacancy
17 by appointment but that the electors of the city or ward, as
18 the case may be, have the right to file a petition requiring
19 that the vacancy be filled by a special election. The council
20 may publish notice in advance if an elected official submits
21 a resignation to take effect at a future date. The council
22 may make an appointment to fill the vacancy after the notice
23 is published or after the vacancy occurs, whichever is later.
24 However, if within fourteen days after publication of the
25 notice or within fourteen days after the appointment is made,
26 there is filed with the city clerk a petition which requests a
27 special election to fill the vacancy, an appointment to fill
28 the vacancy is temporary and the council shall call a special
29 election to fill the vacancy permanently, under paragraph "b".
30 The number of signatures of eligible electors of a city for a
31 valid petition shall be determined as follows:

32 ~~(1)~~ (a) For a city with a population of ten thousand or
33 less, at least two hundred signatures or at least the number of
34 signatures equal to fifteen percent of the voters who voted for
35 candidates for the office at the preceding regular election at

1 which the office was on the ballot, whichever number is fewer.

2 ~~(2)~~ (b) For a city with a population of more than ten
3 thousand but not more than fifty thousand, at least one
4 thousand signatures or at least the number of signatures equal
5 to fifteen percent of the voters who voted for candidates for
6 the office at the preceding regular election at which the
7 office was on the ballot, whichever number is fewer.

8 ~~(3)~~ (c) For a city with a population of more than fifty
9 thousand, at least two thousand signatures or at least the
10 number of signatures equal to ten percent of the voters who
11 voted for candidates for the office at the preceding regular
12 election at which the office was on the ballot, whichever
13 number is fewer.

14 ~~(4)~~ (d) The minimum number of signatures for a valid
15 petition pursuant to ~~subparagraphs (1)~~ subparagraph divisions
16 (a) through ~~(3)~~ (d) shall not be fewer than ten. In
17 determining the minimum number of signatures required, if at
18 the last preceding election more than one position was to be
19 filled for the office in which the vacancy exists, the number
20 of voters who voted for candidates for the office shall be
21 determined by dividing the total number of votes cast for the
22 office by the number of seats to be filled.

23

EXPLANATION

24 The inclusion of this explanation does not constitute agreement with
25 the explanation's substance by the members of the general assembly.

26 This bill relates to vacancies in elective city office.

27 Under current law, a city council may make an appointment
28 to fill a vacancy in elective city office and the term of the
29 appointment shall be until the next pending election. The term
30 "pending election" refers to any election at which either the
31 office in which the vacancy exists will appear on the ballot
32 or an election for any other office to be filled or any public
33 question to be decided by the voters of the same political
34 subdivision in which the vacancy exists.

35 The bill provides that the term of an appointment to

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1 elective city office to fill a vacancy shall be until the next
2 regular city election or until the next intervening special
3 election for that city. The bill further requires that such
4 appointments be made within 60 days after the vacancy occurs,
5 rather than 40 days as required under current law.